

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF RICHMOND

GARY MCCRAY,

Plaintiff,

v.

AT LAW NO.:

BARRY L. NEELY,

Serve: Barry L. Neely
1485 Cliff Road
Bolivar TN 38008

And

MILAN SUPPLY CHAIN SOLUTIONS, INC.

Serve: Scott Schweitzer, Registered Agent
Milan Supply Chain Solutions, Inc.
1091 Kefauver Dr.
Milan TN 38358-3412

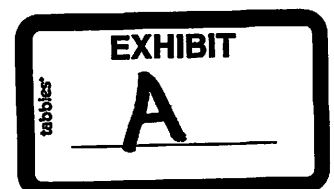
Defendants.

COMPLAINT

Plaintiff, by counsel, for his Complaint, states as follows, and seeks judgment against the Defendants, in the amount listed below:

1. On June 5, 2014, at approximately 7:15 p.m., Gary McCray ("Plaintiff"), was the driver of a truck that was stopped in the parking lot of the Pilot Travel Center located at 3634 North Valley Pike, Harrisonburg, Virginia.

2. On June 5, 2014, Plaintiff was seated in the driver's seat of his truck that was stopped in the parking lot of the Pilot Travel Center in Harrisonburg, Virginia.



3. On June 5, 2014, Defendant Barry L. Neely ("Neely"), a resident of Bolivar, Tennessee, was operating a truck in the parking lot of the Pilot Travel Center in Harrisonburg, Virginia.

4. On June 5, 2014, Defendant Neely was an employee of Defendant Milan Supply Chain Solutions, Inc., ("Milan") formerly known as Milan Express Co., Inc., a Tennessee corporation based in Milan, Tennessee.

5. On June 5, 2014, Defendant Neely was acting in the scope and course of his employment or agency for Defendant Milan when he was operating a truck in the parking lot of the Pilot Travel Center in Harrisonburg, Virginia

7. On June 5, 2014, Defendant Neely was talking to his son on his cellular telephone while operating his truck in the parking lot of the Pilot Travel Center in Harrisonburg, Virginia.

8 On June 5, 2014, Defendant Neely struck the stopped truck in which Plaintiff was seated.

9. On June 5, 2014, it was the duty of Defendant Neely to operate his vehicle with reasonable care and with due regard for others using the road, and to obey all applicable local, state, and federal laws in effect at the time.

10. Notwithstanding those duties, and in breach of them, Defendant Neely did carelessly, recklessly and negligently operate his vehicle such that he collided with the front driver's side of the stopped truck in which Plaintiff was seated. Defendant Neely was negligent in that he:

- (a) Failed to keep a proper lookout;
- (b) Operated the vehicle which he was driving at an excessive and

unsafe rate of speed, given the conditions and circumstances, including the weather and traffic flow, then and there existing;

(c) Failed to apply his brakes in time to avoid causing the crash in which Plaintiff was injured;

(d) Failed to keep the vehicle that he was driving under proper control;

(e) Failed to give full time and attention to the operation of the vehicle that he was driving;

(f) Was distracted by talking on his cellular telephone while operating his vehicle;

(g) Otherwise failed to obey the federal, state and local rules of the road in effect.

11. As a direct and proximate result of the Defendants' negligence, Plaintiff was injured; has been prevented from transacting his business; has suffered and will continue to suffer great pain of body and mind; has sustained permanent injury; has suffered and may continue to suffer lost wages and loss of earning capacity; and has incurred and will continue to incur medical bills in an effort to be cured of his injuries.

WHEREFORE, Plaintiff prays for judgment against the Defendants in the amount of ONE MILLION DOLLARS (\$1,000,000.00), as compensatory damages, plus interest from the date of the accident until paid, plus his costs in this matter expended.

PLAINTIFF DEMANDS TRIAL BY JURY.

GARY MCCRAY

By: 
Of Counsel

Francis P. Hajek, Esquire
VA Bar #23637
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P.O. Box 206
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(434) 202-8181
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VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF RICHMOND

GARY McCRAY,

Plaintiff,

v.

Case No. CL16-2536

BARRY L. NEELY

and

MILAN SUPPLY CHAIN SOLUTIONS, INC.,

Defendants.

ANSWER

Defendants Barry L. Neely ("Neely") and Milan Supply Chain Solutions, Inc. ("Milan") (together, "Defendants"), by counsel, state the following for their Answer to Plaintiff Gary McCray's ("McCray") Complaint:

1. Defendants lack sufficient knowledge either to admit or deny the allegations contained in paragraph 1 of the Complaint and therefore deny the same.
2. Defendants lack sufficient knowledge either to admit or deny the allegations contained in paragraph 2 of the Complaint and therefore deny the same.
3. The Defendants state upon information and belief that on June 5, 2015 Neely, a resident of Bolivar, Tennessee, was operating a truck in the parking lot of the Pilot Travel Center in the County of Rockingham near Harrisonburg, Virginia.

4. The Defendants state that on July 5, 2014 Neely was an employee of Milan, formerly named Milan Express Co., Inc., which is a Tennessee corporation based in Milan, Tennessee.

5. The allegations contained in paragraph 5 of the Complaint state legal conclusions to which no response is required. To the extent a response is required, Defendants state Neely was acting in the scope of his employment with Milan when operating a truck in the parking lot of the Pilot Travel Center in the County of Rockingham near Harrisonburg, Virginia.

6. The Complaint contains no paragraph numbered as paragraph 6. Defendants will respond to the remaining paragraphs of the Complaint as they are numbered in the Complaint.

7. Defendants lack sufficient knowledge either to admit or deny the allegations contained in paragraph 7 [sic] of the Complaint and therefore deny the same.

8. Defendants lack sufficient knowledge either to admit or deny the allegations contained in paragraph 8 [sic] of the Complaint and therefore deny the same.

9. The allegations contained in paragraph 9 of the Complaint state legal conclusions to which no response is required. To the extent a response is required, the Defendants deny all allegations against them contained in paragraph 9 [sic] of the Complaint.

10. Defendants deny the allegations contained in paragraph 10 [sic] of the Complaint, including each of its subparts.

11. Defendants deny the allegations contained in paragraph 11 [sic] of the Complaint.

12. Defendants hereby deny all allegations contained in the Complaint that Defendants have not expressly admitted herein.

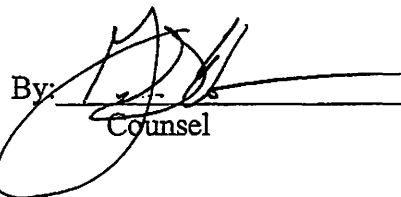
AFFIRMATIVE DEFENSES

13. McCray was not injured to the extent alleged, if at all.
14. McCray's alleged injuries were caused by another over whom Defendants had no control.
15. Defendants reserve the right to assert any and all defenses at trial, and Defendants further reserve the right to amend their Answer as they may be so advised.

WHEREFORE, for the foregoing reasons, Defendants Barry L. Neely and Milan Supply Chain Solutions, Inc., by counsel, deny that they are indebted to Plaintiff Gary McCray in any amount whatsoever, and Defendants respectfully request that this matter be dismissed with prejudice, that the Court award them their costs, and that the Court grant any other and further relief that it may deem just and proper.

DATED: July 13, 2016

BARRY L. NEELY and
MILAN SUPPLY CHAIN SOLUTIONS,
INC.

By: 
Counsel

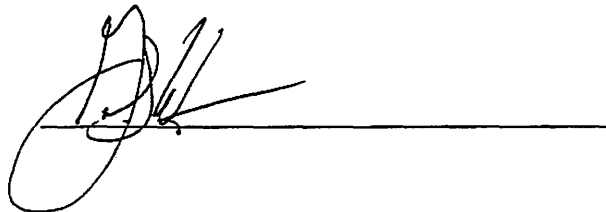
Matthew D. Green (VSB No. 46913)
Gibson S. Wright (VSB No. 84632)
Morris & Morris, P.C.
P.O. Box 30
Richmond, VA 23218
(804) 344-8300 Telephone
(804) 344-8359 Facsimile
mgreen@morrismorris.com
gwright@morrismorris.com
Counsel for Defendants

CERTIFICATE

I hereby certify that on July 13, 2016, I caused a true copy of the foregoing to be sent via

U.S. mail and facsimile to

Francis P. Hajek, Esquire
Wilson & Hajek, LLC
P.O. Box 206
Ivy, VA 22945
Facsimile: (434) 984-0881



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Defendants.

OBJECTION TO VENUE AND MOTION TO TRANSFER

Defendants Barry L. Neely (“Neely”) and Milan Supply Chain Solutions, Inc. (“Milan”) (together, “Defendants”), by counsel, hereby object to venue in this Court and move to transfer this matter to the Circuit Court of the County of Rockingham pursuant to Sections 8.01-262, 8.01-264, and 8.01-265 of the Code of Virginia (“Motion”). In support of their Motion, Defendants state the following:

1. Plaintiff Gary McCray’s (“McCray”) allegations giving rise to his claims against Defendants occurred in the County of Rockingham, Virginia.
2. Neither Neely nor Milan reside or have their respective principal place of employment in the City of Richmond.
3. Milan’s chief officer does not reside in the City of Richmond.
4. Neither Neely nor Milan maintain a registered office in the City of Richmond, and neither have appointed an agent to receive process in the City of Richmond.

5. Upon information and belief, Neely does not regularly conduct substantial business activity in the City of Richmond.

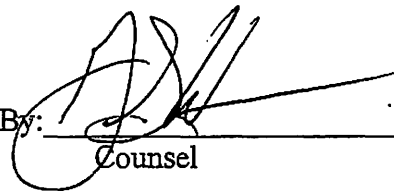
6. Milan does not regularly conduct substantial business activity in the City of Richmond.

7. Venue in the City of Richmond is not therefore permissible pursuant to Section 8.01-264 of the Code of Virginia. Because this cause of action, as alleged, arose in the County of Rockingham, venue for this action is permissible in the County of Rockingham.

WHEREFORE, for the foregoing reasons, Defendants Barry L. Neely and Milan Supply Chain Solutions, Inc., by counsel, object to venue in this Court and request that this Court transfer this matter to the Circuit Court of the County of Rockingham pursuant to Sections 8.01-262, 8.01-264, and 8.01-265 of the Code of Virginia.

DATED: July 13, 2016

BARRY L. NEELY and
MILAN SUPPLY CHAIN SOLUTIONS,
INC.

By: 
Counsel

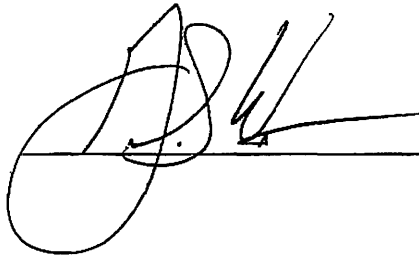
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A handwritten signature in black ink, appearing to be 'F. Hajek', is written over a horizontal line.